

Before the Department of the Army  
U.S. Army Corps of Engineers

Economic and Environmental Principles and Guidelines for  
Water and Related Land Resources  
Implementation Study;  
Initiation of Revision and Request for Suggested Changes

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Comments of the National Waterways Conference, Inc.

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The National Waterways Conference, Inc. (NWC or Conference) submits these comments in response to the "Request for suggestions and notice of public meeting," published in the Federal Register on May 8, 2008. 73 Fed. Reg. 26086. The notice provides to interested individuals and organizations the opportunity to submit suggestions for revising the 1983 Principles and Standards applicable to planning studies of water resource projects in accordance with the directive contained in Section 2031 of the Water Resources Development Act of 2007 (WRDA 2007). Publ. L. 110-114. 121 STAT. 1041

The National Waterways Conference, established in 1960, is the leading national organization to advocate for the enactment of common-sense water resource policies that maximize the economic and environmental value of our inland, coastal and Great Lakes waterways. Conference membership is comprised of the full spectrum of water resources stakeholders, including waterways shippers and carriers, industry and regional associations, port authorities, shipyards, dredging contractors, flood control associations, levee boards, engineering consultants, and state and local governments. In recognition of the public value of our Nation's waterways system and its contributions to public safety, a competitive economy, security, environmental quality and energy conservation, the Conference submits these comments to the Corps for its consideration.

#### Background

Section 2031 of WRDA 2007 directs the Secretary of the Army to revise the principles and guidelines used to formulate, evaluate, and implement water resources projects. The current guidelines, developed in 1983, are based primarily on maximizing economic development. Section 2031 mandates that any revisions to the principles and guidelines address not only economic principles, but also public safety, the value of projects to low income communities, the interaction of a project with other water resources projects or programs within a region or watershed, the use of contemporary water resources, and evaluation methods that ensure water resources projects are justified by public benefits.

As an initial matter, the National Waterways Conference sees no compelling need to revise the 1983

Principles & Guidelines. Such modifications would have no impact on the underlying concerns about the process and procedures used to develop, evaluate and review water resources projects. Nonetheless, in view of the Congressional mandate, the Conference's objectives in submitting these comments are two-fold: first, to recommend a few improvements and enhancements to the existing guidelines, and second, to urge caution in developing revisions to the guidelines in order to avoid causing any undue harm to the planning process.

In general, the NWC is concerned that the Corps of Engineers has been unduly limited in its approach to solving the nation's serious and growing water resources problems. The 1983 P&G provides for a single planning objective: National Economic Development. Nonetheless, the Corps appears to have adopted an Environmental Quality objective, consistent with prior principles and standards based on the 1965 Water Resources Planning Act. We applaud the Corps' consideration of both of these factors but would support expansion of planning criteria to include other factors, including but not limited to, regional economic development, social benefits and public safety, when formulating water projects.

#### Comprehensive Approach to Planning.

Water resources problem-solvers have realized for many years that the best solutions to water resource problems are those which take a comprehensive approach - even to the extent of considering non-water related problems in the same "problem-shed." In recent years, Corps thinking has been evolving toward watersheds and systems thinking. The Corps' Civil Works Strategic Plan was founded on this idea, and its approach to planning ought to be rooted in the idea as well. Central to this idea is the notion that we must collaborate with others who have the responsibility -- Federal or otherwise -- to implement the elements of a "best solution." The Federal "interest" is derived from the best plan, which is to the extent possible a watershed or system plan.

In addition to economic objectives, water resources planning must also consider public safety - a lesson tragically demonstrated in recent years by the impacts of Hurricanes Katrina and Rita. We believe that it would be irresponsible planning to fail to consider the overall set

of components within flood risk systems. An economically efficient solution which leaves people exposed to unacceptable - and often underappreciated - risks is simply not a sound solution. Further, sound planning for public safety must be accomplished in a collaborative environment with local interests who, in turn, have a variety of other problems to address in the same area.

#### Multi-Objective Planning - Not Pre-Determined Objective Planning.

The NWC supports a planning process that is broad enough to accommodate assignments to the Corps based on future needs that Congress mandates, even if those assignments are outside traditional Corps mission areas. Good planning cannot be constrained by pre-established budget criteria or limited to certain circumscribed mission areas. Optimal solutions are those which are derived from considering, in a comprehensive manner, all problems existing in an area. To accomplish this goal, planning must be collaborative, involving all stakeholders, to ensure completeness.

#### National versus Federal Objectives.

The NWC believes that a fundamental premise of the Corps planning process must be a national perspective. This policy was articulated in the 1936 Flood Control Act, which stated that "the Federal Government should improve or participate in the improvement of navigable waters or their tributaries, including watersheds thereof, for flood control purposes if the benefits to whomsoever they accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected." This concept is founded on the principle that people get the benefits. Similarly, WRDA 2007 reaffirmed the policy that all water resource projects should reflect national priorities.

By contrast, the notion of a Federal objective is one which implies that the Federal government has benefits separate from the people or individuals. This approach, however, is the antithesis of collaborative problem-solving and must be rejected. With beneficiaries of water resource projects paying more of a project's costs, project formulation must be permitted to help meet local and regional needs. This would include regional economic

development objectives, social needs, and public safety. The NWC supports revising the Principles and Guidelines to allow for such considerations. Restricting evaluation criteria to National Economic Development would prevent implementation of comprehensive water resource projects.

### Conclusion

The National Waterways Conference appreciates the opportunity to submit comments on this important matter. We look forward to working with the Corps as it develops reasonable, flexible and comprehensive water resource project planning criteria.